



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Folsom Field Office
63 Natoma Street
Folsom, CA 95630
www.blm.gov/ca/folsom

EA Number: CA-180-08-14

Serial Number: CACA 48724

Proposed Action: Access Road Right-of-Way Amendment

Location: MS 6611, Section 11, T. 2 N., R. 13 E., MDM; Calaveras County

Applicant: Chris and Sherri Sedler

1.0 Purpose of and Need for Action

1.1 Need for Action

The applicant needs the subject right-of-way amendment in order to facilitate construction of an improved access to a private parcel. In January 2007, the Sedlers made application to the BLM for a R/W that would have allowed them to re-align Rainbow Way, an existing road providing physical access to their private land, in such a way as to perfect their legal access. BLM analyzed that proposal in EA CA-180-07-29 and identified impacts to Elderberry shrubs, habitat for an endangered species. As a result of informal consultation, it was felt that the impacts could be mitigated, and on 4/9/2007 BLM R/W CA 48724 was issued to the Sedlers. As a condition of the grant, it was required that formal consultation be conducted and mitigation be implemented prior to construction.

In mid-July 2007, Sedler, who had as yet undertaken no construction on his R/W, informed BLM that he had identified an alternative access across BLM, through use of which he hoped to avoid the issues involved in Section 7 consultation, and at the same time avoid construction that would disrupt the other users of Rainbow Way. He flagged this alignment, and BLM conducted preliminary environmental scoping during July and August. On 8/22/2007, BLM informed Sedler that there appeared to be no significant environmental problems with the proposed new alignment, and that, if he was still interested in pursuing it, he should apply for an amendment to his R/W.

On 9/7/2007, BLM employees driving along Highway 49 observed that trespass construction had taken place along the recently-flagged "new" alignment. When BLM contacted Sedler regarding the work, he denied knowledge. After an investigation by BLM Ranger Mark Peterson, it was determined that the tractor work had been done by Lloyd Edwards, a tenant on Brad Sutton's property; Sutton adjoins the BLM between the BLM and Sedler. Edwards was held solely responsible for the committing trespass and for repairing damage to the public lands.

The Sedlers submitted their application for an amendment to construct on this alignment on 1/11/08, and that application is the subject of this EA.

The applicant has legal and physical access to the subject BLM parcel through an easement across Sutton's property, at the east end of the proposed R/W. At its west end, the R/W would tie into an existing approach along the east side of S.R. 49.

1.2 Conformance with Applicable Land Use Plans

The proposed action is subject to the 1988 Sierra Planning Area Management Framework Plan (MFP) Amendment. This plan has been reviewed to determine that the proposed action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5. The objective of the MFP Amendment was to augment land tenure decisions (land disposal/retention) of the original 1983 MFP; it also modified decisions of the SYU-15 Timber Management Plan. The proposed action is in the Custodial Management Area.

2.0 Proposed Action and Alternatives

2.1 Proposed Action

The proposed action is to construct, to county and BLM standards, a single-lane access road across approximately 450' of public land. Overall width of disturbance for the road would be approximately 30-35', of which an average of 10' width has already been disturbed by trespass blading. Terrain for the new construction is relatively level at the east and west ends, with a rise where the mid-portion of the alignment cross-cuts a low ridge. Gradient is acceptable (<15%) throughout. Culverts will not be called for. Surfacing with gravel would be adequate, but the applicant did not specify material.

The proposed amended right-of-way would be 450' long by 40' wide, encompassing approximately 0.41 acres of public land. The existing R/W alignment, on which no construction has yet taken place, is 1286' long by 35' wide and would be deleted from the grant.

This right-of-way term of 30 years would be unchanged, but amended stipulations would be attached to cover the new alignment.

2.2 Project Design Features

Road construction, erosion control and slash disposal are already stipulated to conform to BLM standards. See the attached "Exhibit B, Stipulations" and "Standards for Road Construction on BLM Rights-of-Way, Folsom Field Office".

2.3 No Action

The no action alternative would be to not amend the R/W or to allow the road construction on the newly proposed alignment. In this case, the applicant would still be authorized to build on the old alignment, and would still be faced with the T&E issues and the temporary disruption of the neighbor's use of the road.

3.0 Affected Environment

The proposed right-of-way is in the Sierra Foothills at an elevation of 1560' on gently sloping valley margins. Water resources are not present in the R/W area. The plant community is detailed on the attached Biological Resources Inventory Report. Rangeland resources are negligible. Forestry resources are not present. Scenic qualities and visual resources have been compromised by the adjacent state highway and telephone pole line. Recreational values are low due to the proximity of numerous rural residences.

A survey for cultural resources was conducted, but nothing was found that would be directly affected.

4.0 Environmental Effects

The following critical elements have been considered for this environmental assessment, and unless specifically mention later in this chapter, have been determined to be unaffected by the proposal: air quality, areas of critical environmental concern, prime/unique farmlands, floodplains, water quality, threatened or endangered species, hazardous waste, cultural resources, native American concerns, wetlands and riparian zones, wild and scenic rivers, wilderness, invasive, nonnative weeds, and environmental justices.

4.1 Impacts from the No Action Alternative

Impacts to resources expected from the no action alternative (use of existing alignment originally authorized by R/W CA 48724) include temporary disruption of potential endangered species habitat and temporary disruption of local traffic.

4.2 Impacts from the Proposed Action

Approximately 0.2 acres (20'x450') of native vegetation (brush and ground cover) would be removed during road construction/improvement (about 0.1 acre of the R/W APE has already had vegetation removed during the 8/2007 trespass). The alignment for new construction was selected specifically to avoid impact to blue oaks, and, even prior to the trespass, the alignment was occupied by an old, overgrown, primitive road. No trees would be affected by the road improvement. Compliance with BLM and county standards for road construction and design will help reduce the risk of road related erosion to small, immeasurable levels. No known rare plants, animals, or rare species habitat would be affected because none were found in the project area. Identified cultural sites peripheral to the APE would be protected by the use of construction limits flagging and stipulations attached to the grant. A detailed drawing of road construction/design features has been produced by the BLM civil engineer, and adherence to this drawing will be required.

No residences are near enough to be affected by the temporary dust and noise of road construction and improvement. The amount of additional traffic generated by one new residence would be negligible. The existing state highway approach, into which the proposed alignment will connect, is used by only two other residences, and was rebuilt by Caltrans when the highway was re-aligned 15 years ago. It appears entirely suitable for the proposed use.

4.3 Cumulative Impacts

Erosion, rare species, and cultural resources are not expected to be impacted at the site specific scale. Therefore, cumulative impacts at a larger scale are not expected. The project is not expected to cumulatively contribute to dust and noise because these road construction-related impacts would be very short term and there are no other known similar activities expected to occur at the same time in the nearby vicinity that could conceivably combine to constitute a considerable cumulative impact.

5.0 Agencies and Persons Consulted

5.1 BLM Interdisciplinary Team

- Dean Decker, Rights-of-Way, EA Writer
- Jeff Babcock, Engineering
- Al Franklin, Biological Resources

5.2 Availability of Document and Comment Procedures

The EA, posted on Folsom Field Office's website (www.blm.gov/ca/folsom) under Planning (or available upon request), will be available for a 15-day public review period. Comments should be sent to the BLM at 63 Natoma Street, Folsom, CA 95630 or emailed to us at ca180@ca.blm.gov.

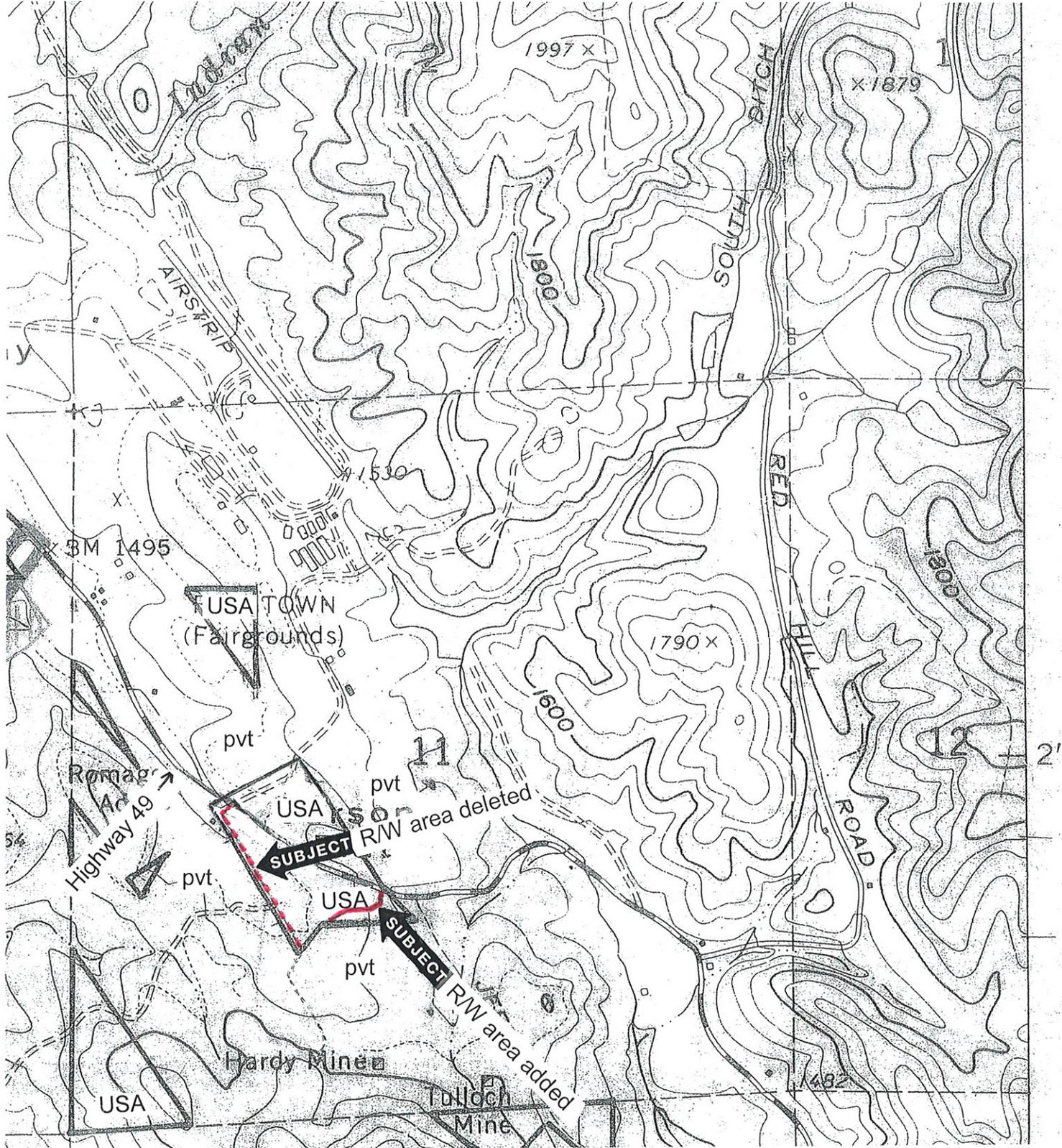


EXHIBIT A

Date: **JAN 23 2008**

CACA 48724 Amendment 1. Subject RW area added, 450 feet long by 40 feet wide, RW area deleted 1286 feet long by 35 feet wide, both located in Section 11, T. 2N., R. 13 E., MDM. Map is copy of Angels Camp 7.5' USGS quad enlarged to approximate scale of 1" = 1000'.

EXHIBIT B

CACA 48724 Amendment 1 (2800)

Date: JAN 23 2008

STIPULATIONS

1. Road construction shall adhere to the specifications depicted on the attached drawing titled "Road Proposal – Sedler, CACA 48724" dated 8/22/07.
2. Under no circumstances shall construction encroach beyond the lines labeled "avoid arch site" on the above-referenced drawing. These lines are marked on the ground by yellow plastic flagging ("sensitive area – do not enter") tied between trees.
3. Stipulations 19. and 20., which were attached to the original grant and which pertained to protection of Valley Elderberry Longhorn Beetle Habitat, are hereby deleted. All other stipulations attached to the original grant remain in effect.

**Bureau of Land Management
Bakersfield District
Folsom Resource Area**

Biological Resource Inventory Report

Project name: Carson Flat right-of-way

Project description: Construction of road, 30'-35' wide, 450' long.

Size of disturbance: 0.4 acres

Project location: T. 2N, R. 13E, section 11, NE1/4 of SW1/4.

USGS Quads: Angel's Camp

County: Calaveras

Geographic area: Sierra foothills

Elevation range: Approximately 1560'

Geology/soils: Metavolcanics of uncertain age.

Land form: Valley bottom, with the topography altered by mining.

Plant community/vegetation: Blue oak savannah transitioning to interior live oak woodland with gray pine, buckbrush, common manzanita, mewukka Manzanita, toyon, California coffeeberry, holly-leaf redberry, and poison oak.

CNDDB records: Pallid bat, Button's Sideband snail, tricolored blackbird, all appear for the quad.

Inventory description (methodology, problems, reliability, coverage): Walked the route of the right-of-way. The survey was conducted in mid-summer and many herbaceous species could not be identified. The habitat indicators did not suggest the presence of special status plant species.

Sensitive species particularly searched for: Elderberry shrubs, potential habitat for valley elderberry longhorn beetle.

Sensitive species or other biological resources at site: One woodrat nest was observed.

Weeds at site: Medusahead, tocalote.

Project impacts: None to sensitive species.

Recommendations:

Date of inventory: 8/15/07

Date of report: 8/20/07

Signature:



Title: Botanist

United States Department of the Interior
Bureau of Land Management
Folsom Field Office
63 Natoma Street
Folsom, California 95630

8100
CA-180.27

August 13, 2007

MEMORANDUM

To: Field Manager

From: James Barnes, Archaeologist

Re: Section 106 compliance for the Carson Flat right-of-way,
Calaveras County
(case # CA-018-S-AC-07/08)

The Folsom Field Office (BLM) is planning to grant a right-of-way (40 ft wide x 450 ft long) located on BLM-administered land off of Highway 49 between Angels Camp and Carson Hill. A road would be built to county specifications within this corridor. On August 3, 2007, I intensively inventoried the area potentially affected by granting the ROW. I identified three cultural properties within the undertaking's area of potential effects (APE):

AC-253 is topographic modification created by mining and mine exploration, including narrow shallow trenches, depressions, and berms. Some of the trenches look modern. Others may be older and could be associated with the Miller quartz claim, dating to the 1880s.

AC-254 is a mid-1900s house site with a possible house pad and a refuse dump containing thousands of items including a Montgomery Ward & Co. range, liquor bottles, screw-top jars, milk cans, bleach bottles, a steel barrel, food cans, motor oil cans, galvanized steel straps, and condiment bottles. Most of the items appear to date the 1950s.

AC-255 is a mining ditch (4 ft wide x 2 ft deep with 6 to 8 ft wide earthen berm), located just below the 1560 ft contour.

In my opinion, granting the ROW, as proposed, would negatively affect a small portion of AC-253. This property does not appear to be eligible for inclusion on the National Register of Historic Places. The archaeological deposit at AC-254 would be avoided. AC-255, the mining ditch, is already destroyed at the point where the road would be built, so it would not be affected.

Please refer to my report attached for more information. I am working with ROW specialist/archaeologist Dean Decker to ensure that the archaeological deposit at AC-254 is avoided. If we are able to do this, I believe that granting the ROW would not affect significant cultural properties, and the finding of "no historic properties affected" would complete BLM's obligations under Section 106 of the National Historic Preservation Act, pursuant to our statewide Protocol Agreement.

A handwritten signature in black ink that reads "Jenna Barnes". The signature is written in a cursive, flowing style.

United States Department of the Interior
Bureau of Land Management
Folsom Field Office
63 Natoma Street
Folsom, California 95630

8100
CA-180.27

August 13, 2007

LETTER TO FILE

SUBJECT: Section 106 compliance for the Carson Flat right-of-way, Calaveras County

PROJECT: Carson Flat right-of-way

REPORT #: CA-018-S-AC-07/08

DATE(S) COMPLETED: August 13, 2007

TYPE OF SURVEY: Class III

CULTURAL PPROPERTIES PRESENT: 3

ELIGIBLE PROPERTIES: AC-254 has been flagged for avoidance

DETERMINATION OF EFFECT: No historic properties affected

SHPO CONSULTATION/SECTION 106 STEPS COMPLETED: all

DISCUSSION: This letter to the file documents that I have reviewed the above listed Cultural Resource Inventory Report. Pursuant to the Protocol Agreement (2004) between BLM California and the State Historic Preservation Officer, I affirm that all necessary steps have been taken to identify, record, and determine effects on cultural properties with the undertaking's area of potential effects. This report has been completed by an approved staff specialist and is in accordance with all standards and guidelines as outlined in the Protocol Agreement (2004).

I concur with the findings of this analysis.



William S. Haigh, Field Manager (CA-180)

8-13-07

Date

CULTURAL RESOURCE INVENTORY REPORT

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
FOLSOM FIELD OFFICE

1. **PROJECT NAME & CASE NUMBER:** Carson Flat right-of-way, case # CA-018-S-AC-07/08
2. **PROJECT SPONSOR/DEVELOPMENT COMPANY:** Bureau of Land Management-Folsom Field Office, Folsom, CA.
3. **REPORT DATE:** August 13, 2007
4. **DATE(S) OF SURVEY:** August 3, 2007
5. **COUNTY:** Calaveras
6. **FIELDWORK LOCATION:** The area of potential effects (APE) is located off of Highway 49 in Carson Flat. The APE is administered by the Bureau of Land Management-Folsom Field Office (BLM). See the APE location map (attached).

MAP: USGS 7.5-minute quadrangle Angels Camp, Calif. (1962)

LEGAL DESCRIPTION: MDM, T 2 N, R 13 E, Sec 11,
7. **PROJECT DESCRIPTION:** BLM is planning to grant a right-of-way (40 ft wide x 450 ft long) located off of Highway 49 in Carson Flat, between Angels Camp and Carson Hill. A road would be built to county specifications within this corridor.
8. **PROJECT AREA DESCRIPTION:** The APE is located in a mixed gray pine-live oak forest, at an elevation of about 1560 ft in the foothills of the central Sierra Nevada. Understory plants include poison oak, toyon, and *Ceanothus*.
9. **DESCRIPTION OF EXAMINATION PROCEDURES:** I followed BLM 8100 manual Class III guidelines. I inventoried the APE, on foot, for two hours.
10. **INVENTORY TYPE:** Class III. See the inventory coverage map (attached).
11. **CONSULTATION:** None.
12. **LEGALLY DEFINABLE ACRES SURVEYED:** 1 acre
13. **NUMBER OF PROPERTIES FOUND:** 3

14. **COLLECTION:** N/A

15. **HISTORIC CONTEXT:** Reportedly, gold was discovered in the Carson Flat/Carson Hill area by Mexican miners in 1848. Not long after this discovery James Carson, a sergeant in the U.S. Artillery, and his party found gold in the area, possibly on Carson Creek. The mining camp that sprung up here during the Gold Rush was located on the north side of a hill (Carson Hill?). Sensational reports (and probably exaggerated) regarding the discovery of large gold nuggets were common to the area during the height of the Gold Rush in the early 1850s (Gudde 1975:62-63). Placer mining declined here during the late 1850s and large-scale mining of low grade gold ore began around 1889 in the area, which became part of the Albany Flat and later the Carson Hill mining district. The area was intensively mined and Carson Hill group, which is not far from the APE, became among the most productive mines in the Mother Lode (Clark 1970:34-35).

Looking specifically at the APE, the mineral survey plat for the Felicie placer mine (MS 2312) dating to 1884 shows the Miller quartz claim encompassing the area where the ROW corridor/APE is now located. To the south, adjoining the Miller, was the McCreight quartz claim. The mineral survey plat for the Missouri quartz mine and millsite claim (MS 3623) dating to 1899 shows the Felicie placer mine but not the Miller. The USGS 7.5' and 15' quadrangle maps Angles Camp, Calif. both dating to 1962 show the Hardy Mine and Tulloch Mine to the south of the APE. Clark and Lydon (1962:134-188) referred to various lode gold mines in the same township/range/section as the APE. The mines referred to include the Crooks & Smith, Columbia, Morris, Gold Hill, and Romaggi family mines—none seem to be located directly within the APE. The Crooks & Smith mine was active in 1914 and developed through a 45 ft deep shaft. The Columbia was active during 1914-1916 and developed by the Columbia Mines Company through a 250 ft deep shaft and a five-stamp mill. The Morris was located two miles southeast of Angles Camp. It was developed through a 120 ft shaft. The Gold Hill was also in the area (location was not specified). The Romaggi family had mines in the area. The location of their mines was not specified (Clark Lydon 1962:134-188).

The 1962 aerial photo does not show any features within the APE (at least visible from the air). BLM land and mineral records on file at the Folsom Field Office indicate that in 1962 somebody named Suss Oee Tres may have been occupying a portion of the BLM parcel (lot 9) where the APE is now located. The portion of the parcel is not specified. Also in 1962, BLM rejected the Small Tract Act application of Ethel O. Grimm et. al. for the BLM parcel now containing the APE. In 1968, Rex Oberg of Menlo Park, CA applied for a special land permit for access from Highway 49 across this parcel. The existing PG&E telephone line and underground cable were put in around 1979. At AC-254, near the APE, I found a mining location marker for the Big Live Oak claim made by Earl Jacquelyn.

16. DESCRIPTION OF FINDINGS:

AC-253 is topographic modification created by mining and mine exploration, including narrow shallow trenches, depressions, and berms. Some of the trenches look modern. Others may be older and could be associated with the Miller quartz claim, dating to the 1880s. Some of the topographic modification could be negatively affected by granting the ROW.

AC-254 is a mid-1900s site consisting of a possible house pad and a large refuse dump containing thousands of items including a Montgomery Ward & Co. range, liquor bottles, screw-top jars, milk cans, bleach bottles, a steel barrel, food cans, motor oil cans, galvanized steel straps, and condiment bottles. Most of the items appear to date the 1950s. The archaeological deposit appears to be outside of the ROW corridor/APE. AC-254 would be avoided.

AC-255 is a point along a ditch (4 ft wide x 2 ft deep with 6 to 8 ft wide earthen berm), just below the 1560 ft contour. The ditch was probably used for placer mining during the late 1850s. The ditch likely postdates 1856 General Land Office plat. The ditch does not appear on 1884 mineral survey plats for the area. The ditch is already destroyed at the point where the road would be built. The ditch would not be affected by granting the ROW.

See cultural resources location map (attached)

See historical resources records (attached)

- 17. EVALUATION:** AC-253 does not appear to be eligible for inclusion on the National Register of Historic Places. This mining-caused topographic modification does not appear to be unique, highly representative of particular mining methods, or historically important. The trenches, depressions, berms, and other features at AC-253 are not well preserved. They resemble the topographic modification caused by mining and mine exploration work throughout the Mother Lode. Critically, it does not appear to be possible to date any of the features at AC-253 with certainty, because historical associations are lacking and there are no associated artifacts. A mineral survey was never prepared for the Miller quartz claim, suggesting that this claim was not as economically important as surrounding claims which were patented. It is unclear who made the trenches, depressions, and berms found at AC-253 and when. Clearly the AC-253 is not associated with historically important people. If studied archaeologically, the site would not shed any light on past mining methods. The best that could be said about AC-253 is that at some point in the past the area was mined, probably by an individual miner or small groups of miners using picks, shovels, and other hand tools. This scenario was common in the past and there are many such areas of "anonymous" mining evidence in the Mother Lode. Mining could have occurred episodically over a long period of time; features that appear to have a spatial association may have been created at different points in the past by different miners. In fact, the trenches, particularly around AC-254, appear to be

modern in age and may be associated with the Big Live Oak claim and other modern claims. Though AC-253 does not appear to be National Register eligible, portions of it would be preserved.

18. ACTUAL/POTENTIAL NATIONAL REGISTER PROPERTIES AFFECTED:

No historic properties affected.

19. LITERATURE SEARCH:

BY WHOM: James Barnes, BLM Archaeologist

WHERE: Bureau of Land Management cultural resources and land records, on file at the Folsom Field Office, 63 Natoma Street, Folsom, CA

DATE: August 3, 2007

20. LITERATURE CITED:

Clark, W. B.

1970 *Gold Districts of California*. Bulletin 193. California Division of Mines and Geology. State Printing Office, Sacramento.

Clark, W. B. and P. A. Lydon

1962 *Mines and Mineral Resources of Calaveras County, California*. County Report Number Two. California Division of Mines and Geology. State Printing Office, Sacramento.

Gudde, E. G.

1975 *California Gold Camps*. University of California Press, Berkeley.

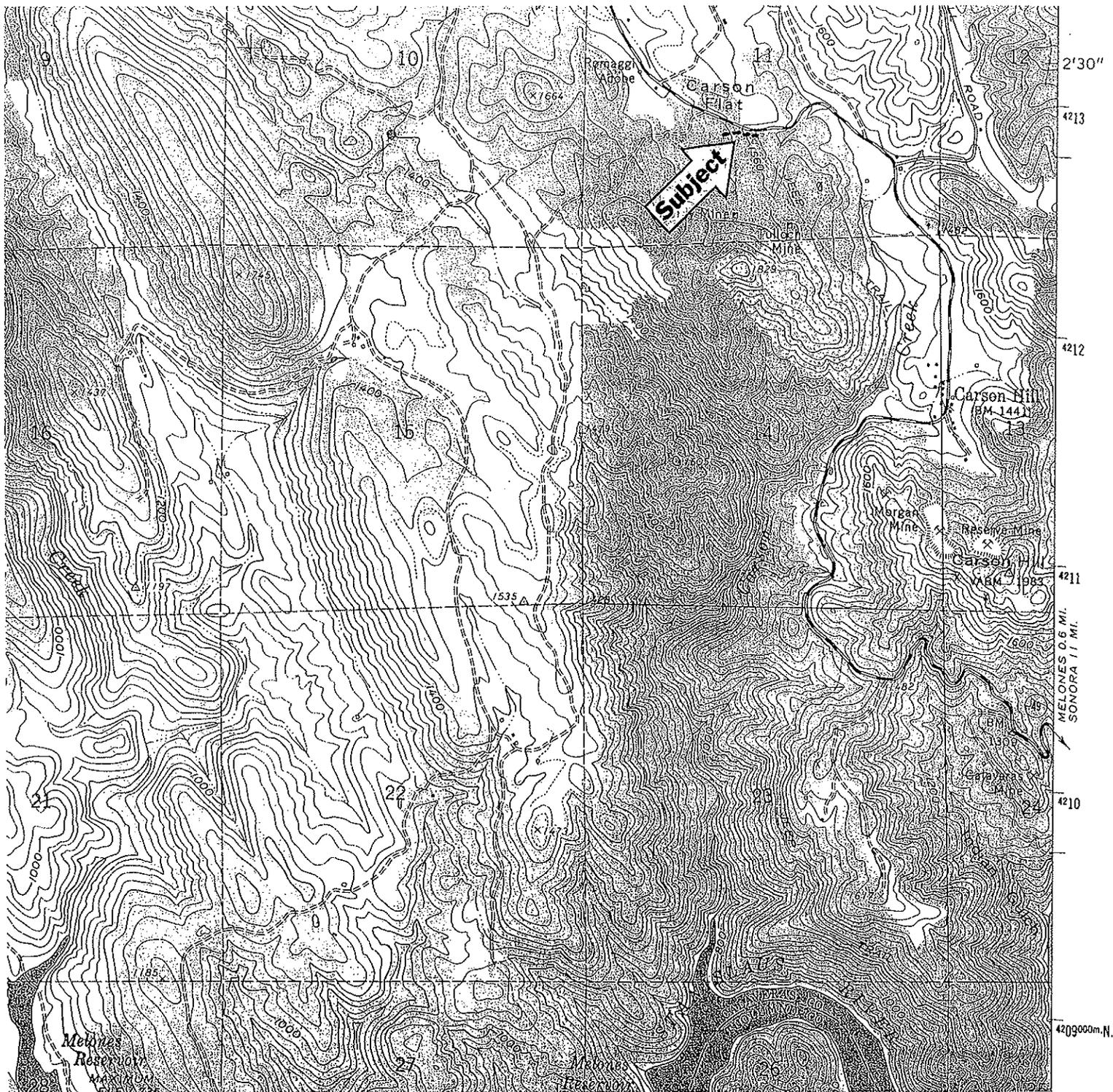
21. CONCLUSIONS/RECOMMENDATIONS:

In my opinion, granting the ROW, as proposed, would negatively affect a small portion of AC-253. However, this mining-caused topographic modification does not appear to be eligible for inclusion on the National Register of Historic Places. AC-254—the refuse dump—would be avoided. Please refer to my report attached for more information. AC-255—the mining ditch—is already destroyed at the point where the road would be built. It would not be negatively affected. I am working with ROW specialist/archaeologist Dean Decker to ensure that AC-254 is avoided. If we are able to do this, I believe that granting the ROW would not affect significant cultural properties, and the finding of “no historic properties affected” would complete BLM’s obligations under Section 106 of the National Historic Preservation Act, pursuant to our statewide Protocol Agreement.

22. FIELD SUPERVISOR/PRINCIPAL INVESTIGATORS:

James Barnes
James Barnes, Archaeologist

8-13-07
Date



**APE LOCATION MAP AND INVENTORY COVERAGE MAP
FOR THE CARSON FLAT RIGHT-OF-WAY**

**USGS 7.5-MINUTE QUADRANGLE: ANGLES CAMP, CALIF.
(1962)**

MDM, T 2 N, R 13 E, SEC 11

DASHED LINE = APE AND WHERE I WALKED